ALLEGED VIOLATION: On or about October 18, 19, and 20, and November 16, 17, 18, 29, and 30, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused a number of capsules of the drugs to be repacked and sold to various persons without a physician's prescription, which acts of the defendants resulted in the repackaged drugs being misbranded. The drugs when shipped in interstate commerce, were labeled with the prescription legend required by the regulations.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the labels of the repackaged capsules of the drugs contained no statement of the quantity of the contents. Further misbranding, Section 502 (d), the capsules of the drugs contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as habit forming; and the label of the repackaged capsules of the drugs failed to bear the name and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Sections 502 (e) (1) and (2), the repackaged drugs were not designated solely by names recognized in an official compendium, and the labels of the *seconal sodium capsules* and *nembutal capsules* failed to bear the common or usual name of the drugs, namely, "seconal sodium" and "pentobarbital sodium," respectively; and the label of the repackaged *Tuinal capsules* failed to bear the common or usual name of each active ingredient, namely, "seconal sodium" and "amytal sodium." Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules of the drugs failed to bear adequate directions for use since the directions for use "One at bedtime as directed" and other directions similarly worded, borne on the labeling of the repackaged capsules, were not adequate directions for use.

DISPOSITION: October 5, 1949. Pleas of guilty having been entered, the court imposed against the defendants, jointly, a fine of $100 on each of the twenty counts of the information.

2954. Misbranding of seconal sodium capsules, nembutal capsules, and Tuinal capsules. U. S. v. Alvin A. Bredemeyer (Madison Place Pharmacy). Plea of guilty. Fine, $700. (F. D. C. No. 26720. Sample Nos. 19669–K, 19693–K, 19700–K, 43836–K, 43844–K to 43846–K, incl.)

INFORMATION FILED: August 25, 1949, Southern District of Ohio, against Alvin A. Bredemeyer, trading as the Madison Place Pharmacy, Cincinnati, Ohio.

INTERSTATE SHIPMENT: On or about May 13, 1947, from North Chicago, Ill., to Cincinnati, Ohio, of a quantity of *nembutal capsules*, and between the approximate dates of August 8, 1947, and September 29, 1948, from Indianapolis, Ind., into Cincinnati, Ohio, of quantities of *seconal sodium capsules* and *Tuinal capsules*.

ALLEGED VIOLATION: On or about October 18 and 19 and November 8, 18, 26, 29, and 30, 1948, while a number of the capsules were being held for sale after shipment in interstate commerce, the defendant caused a number of capsules of the drugs to be removed from the bottles in which they had been shipped and to be repacked and sold to various persons without a prescription, which acts of the defendant resulted in the capsules being misbranded. When the drugs were shipped in interstate commerce, they bore on their labels the prescription legend prescribed by the regulations.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules bore no labels containing statements of the quantity of the contents. Further misbranding, Section 502 (d), the repackaged capsules contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as habit forming; and the labels of the repackaged capsules failed to bear the names and quantities or proportions of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (e) (1), the labels of the repackaged *seconal sodium capsules* and *nembutal capsules* failed to bear the common or usual names of the drugs, namely, "seconal sodium" and "pentobarbital sodium"; Section 502 (e) (2), the label of the repackaged *Tuinal capsules* failed to bear the common or usual names of each active ingredient, namely, "seconal sodium" and "amytal sodium"; and, Section 502 (f) (1), the directions for use, namely, (*seconal sodium capsules* and *nembutal capsules*) "One (1) capsule at bedtime as directed" and (*Tuinal*) "As directed," borne on the labeling of the repackaged capsules of drugs, were not adequate directions for use.

DISPOSITION: October 5, 1949. A plea of guilty having been entered, the court imposed a fine of $700.

2955. Misbranding of seconal sodium capsules, Tuinal capsules, and nembutal capsules. U. S. v. Tischbein Apothecary, Inc., and Louis Tischbein. Pleas of guilty. Fine of $800 against defendants jointly. (F. D. C. No. 26721. Sample Nos. 19674-K, 19678-K, 19689-K, 19695-K, 44213-K, 44214-K, 51307-K, 51316-K.)

INFORMATION FILED: August 25, 1949, Southern District of Ohio, against Tischbein Apothecary, Inc., Cincinnati, Ohio, and Louis Tischbein, president of the corporation.

INTERSTATE SHIPMENT: Between the approximate dates of October 16, 1947, and November 18, 1948, from the States of Indiana and Illinois into the State of Ohio.

ALLEGED VIOLATION: On or about October 19 and 20 and November 17, 18, 29, and 30, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused a number of capsules of the drugs to be repacked and sold to various persons without a prescription, which acts of the defendants resulted in the drugs being misbranded. When the drugs were shipped in interstate commerce, they bore on their labels the prescription legend prescribed by the regulations.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; Section 502 (e) (1), the labels of the repackaged *seconal sodium capsules* and *nembutal capsules* failed to bear the common or usual names of the drugs, namely, "seconal sodium" and "pentobarbital sodium"; Section 502 (e) (2), the label of the repackaged *Tuinal capsules* failed to bear the common or usual name of each active ingredient, namely, "seconal sodium" and "sodium amytal." Further misbranding, Section 502 (d), the drugs contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as habit forming; and the labels of the repackaged drugs failed to bear the name and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502